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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,864	01/28/2008	Kyung-Lim Lee	3450-0101	5528

6449 7590 08/03/2009

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EXAMINER	
WILSON, MICHAEL C	

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
08/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No.	Applicant(s)	
	10/561,864	LEE ET AL.	
	Examiner	Art Unit	
	Michael C. Wilson	1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-16* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

I. Claims 1 and 2, drawn to a composition comprising a TCTP gene, classified in class 523, subclass 23.1.

II. Claims 3 and 4, drawn to a composition comprising a TCTP protein, classified in class 530, subclass 350.

III. Claims 5 and 6, drawn to a method of screening using a TCTP gene, classified in 435, subclass XXX.

IV. Claims 7-9, drawn to a method of screening using a TCTP protein, classified in XXX.

V. Claims 10-16, drawn to a transgenic mouse comprising a TCTP gene, methods of making the transgenic and methods of using the transgenic, classified in class 800, subclass 18.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the mammalian TCTP gene is not a contribution over the prior art. Fiucci (Genomics, June 2003, Vol. 81, pg 570-578) was available online on April 16, 2003, which taught the genomic

organization and expression of the mouse Tpt1 gene (see Science Direct website abstract for Fiucci which states the article was available online 16 April 2006).

Furthermore, groups I and II are patentably distinct because the gene can be used as a probe, to make protein, or for gene therapy while the protein can be used to make antibodies. The protocols and reagents required for genes and proteins are materially distinct and separate. The gene and protein are not disclosed as being used together. The burden required to search both groups together would be undue.

Groups I and III are related as product and process. In this case, the gene can be used to make the protein, for gene therapy or to make a transgenic mouse. In addition, the method of screening can be performed with the protein.

Groups I and IV are patentably distinct because the gene can be used as a probe, to make protein, or for gene therapy while the method of using the protein is for screening drugs. The protocols and reagents required for genes and proteins are materially distinct and separate. The gene and the method of using the protein are not disclosed as being used together. The burden required to search both groups together would be undue.

Groups I and V are patentably distinct because the gene can be used as a probe, to make protein, or for gene therapy while the transgenic mouse may be a model of disease. The protocols and reagents required for genes and transgenic mice are materially distinct and separate. The burden required to search both groups together would be undue.

Groups II and III are patentably distinct because the protein can be used to make antibodies while the method of using the gene is for screening drugs. The protocols and reagents required for genes and proteins are materially distinct and separate. The protein and the method of using the gene are not disclosed as being used together. The burden required to search both groups together would be undue.

Groups II and IV are related as product and process. In this case, the protein can be used to make the antibodies, and the method of screening can be performed with the gene instead of the protein.

Groups II and V are patentably distinct because the protein can be used to make antibodies while the transgenic mouse may be a model of disease. The protocols and reagents required for proteins and transgenic mice are materially distinct and separate. The burden required to search both groups together would be undue.

Groups III and IV are patentably distinct because the method of using the gene can be used to screen transcription factors and other regulatory genetic elements while the method of using the protein can be used to screen antibodies and proteins that interact with the protein. The protocols and reagents required for using genes and proteins to screen drugs are materially distinct and separate. The methods of using the gene and protein are not disclosed as being used together. The burden required to search both groups together would be undue.

Groups III and V are patentably distinct because the method is used to screen drugs while the transgenic mouse may be a model of disease. The protocols and reagents required for screening drugs with a gene and for making/using transgenic mice

are materially distinct and separate. The burden required to search both groups together would be undue.

Groups IV and V are patentably distinct because the method is used to screen drugs while the transgenic mouse may be a model of disease. The protocols and reagents required for screening drugs with a protein and for making/using transgenic mice are materially distinct and separate. The burden required to search both groups together would be undue.

Inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wilson who can normally be reached at the office on Monday, Tuesday, Thursday and Friday from 9:30 am to 6:00 pm at 571-272-0738.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517.

The official fax number for this Group is (571) 273-8300.

Michael C. Wilson

/Michael C. Wilson/
Patent Examiner